

After review of HB NO. 4859, the following amendments to Section 1301C(1) and (2), and Section 1312(f), are suggested and encouraged: (Said amendments are highlighted by underline and *italic* print.)

SEC 1310(C)(1) **THE CIRCUIT COURT SHALL OVERSEE THE OPERATIONS OF THE JURY BOARD IN EACH COUNTY.**

(2) THE JURY BOARD IN EACH COUNTY SHALL NOT ENTER INTO ANY CONTRACT FOR EQUIPMENT OR SERVICES WITHOUT THE PRIOR APPROVAL OF THE CIRCUIT COURT.

REASONINGS: The courts must be maintained as an independent branch of government. To place the oversight with the county commissioners would put the court's authority in the legislative branch of government which would violate the "separation of powers". Note that by leaving Section (3) of the bill unchanged the public is assured that the courts are meeting jury diversity requirements by having the information available to the county commissioners for their review.

SEC 1312(f) The board with the approval of the chief judge may remove from the first jury list the name of any person who **IS UNDER SENTENCE FOR A FELONY** and is therefore disqualified from serving as a juror pursuant to section 1307a(1)(e), **WHICH IS HEREBY AMENDED TO READ: NOT TO BE UNDER SENTENCE FOR A FELONY AT THE TIME OF JURY SELECTION.**

REASONINGS: A recent study by the National Center for State Courts, Third Judicial Circuit of Michigan Jury System Assessment, dated August 2006, has shown that the blanket exclusion of anyone ever convicted of a felony from qualifying as a juror has a disparate impact on people of color and the poor. This proposed amendment of Section 1312(f) would only exclude citizens who are under sentence at the time of jury selection and acknowledges that once a person has paid their debt to society their rights of citizenship should be restored. The amendment allows for an attorney to excuse a person with a conviction history by way of peremptory challenge if the attorney so desire.